

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CARL T. MADSEN, INC., d/b/a
MADSEN ELECTRIC, a Washington
corporation,

Plaintiff,

v.

ABB INC., a Delaware corporation;
and MWH CONSTRUCTORS, INC.,
a Delaware corporation,

Defendants.

ABB INC., a Delaware corporation,

Third-Party Plaintiff,

v.

CITY OF TACOMA; FIDELITY AND
DEPOSIT COMPANY OF MARYLAND;
and ZURICH AMERICAN INSURANCE
COMPANY,

Third-Party Defendants.

The Honorable Karen L. Strombom

NO. 08-CV-05596-KLS

ORDER GRANTING PLAINTIFF
MADSEN ELECTRIC'S MOTION
TO COMPEL RELEASE OF
RETAINAGE

ORDER GRANTING PLAINTIFF MADSEN
ELECTRIC'S MOTION TO COMPEL
RELEASE OF RETAINAGE – 1

105780.1 (#100056.3)



1 THIS MATTER came before the Court on the Motion of Plaintiff Carl T.
2 Madsen, d/b/a Madsen Electric ("Madsen Electric") to compel Defendant MWH
3 Constructors, Inc. ("MWH") to release the retainage it withheld from Madsen for work
4 on the Tacoma Central Treatment Plant Upgrade and Expansion Project ("Project")
5 pursuant to RCW 60.28.011.

6 The Court having considered that Motion and its supporting Declarations and
7 exhibits, and having considered all materials submitted in opposition thereto, the Court
8 hereby orders as follows:

9 1. Defendant MWH shall immediately pay Madsen Electric the principal
10 sum of \$408,740.66, plus all additional retainage withheld from Madsen Electric on the
11 Project pursuant to RCW 60.28.011. In the event Madsen Electric and MWH cannot
12 agree on the amount of any additional retainage withheld over and above \$408,740.66,
13 they may apply to the Court to resolve their differences.

14 2. Within 10 days of the date of this Order, MWH shall submit an
15 accounting to Madsen Electric of the interest earned on the \$408,740.66 amount
16 referred to in paragraph 1, and on any additional sum over and above \$408,740.66, that
17 is agreed upon, and shall pay such interest to Madsen Electric.

18 3. Madsen Electric's requests for additional interest and attorneys' fees are
19 denied.

20 DATED this 14th day of September, 2010.

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24 Karen L. Strombom
United States Magistrate Judge

ORDER GRANTING PLAINTIFF MADSEN
ELECTRIC'S MOTION TO COMPEL
RELEASE OF RETAINAGE – 2

105780.1 (#100056.3)

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ORDER GRANTING PLAINTIFF MADSEN
ELECTRIC'S MOTION TO COMPEL
RELEASE OF RETAINAGE – 3

105780.1 (#100056.3)

